

Message Text

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SUBJ: HUMAN RIGHTS COMMISSION (HRC)--ITEM 12(B), STUDY
OF SITUATIONS WHICH REVEAL CONSISTENT PATTERN OF
GROSS VIOLATIONS OF HUMAN RIGHTS

1. HRC CONCLUDED DISCUSSION OF THIS ITEM WITH PASSAGE
NORWEIGAN PROPOSAL 17(US)-3-2, REPRODUCED BELOW, WITH INDIA,
GHANA, TUNISIA NOT PARTICIPATING.

2. SOVIET ATTEMPT TO REFER ENTIRE SUBJECT BACK TO SUB-
COMMISSION WITH INSTRUCTIONS TO SUBMIT "APPROPRIATE REPORT
TO THE 31ST SESSION OF THE COMMISSION" WAS DECISIVELY BEATEN
BACK 3-15(US)-5 WITH GHANA, TUNISIA, INDIA NOT
PARTICIPATING.

3. PARA 4 NORWEGIAN PROPOSAL BELOW WAS ADDED BY NETHERLANDS
TO MAKE CLEAR TERMS UNDER WHICH GOVERNMENTS CONCERNED WOULD
HAVE OPPORTUNITY TO SUBMIT THEIR OBSERVATIONS TO THE
COMMISSION.

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COMMENT: DESPITE RESOUNDING SOVIET DEFEAT REFLECTING CONVICTION OF SOLID MAJORITY THAT PROCEDURES MUST BE PRESERVED AND STRENGTHENED FOR STUDYING GROSS AND CONSISTENT VIOLATIONS, WESTERN DELS FELT DISAPPOINTMENT THAT THIS SESSION OF COMMISSION HAD NOT BEEN ABLE DISCHARGE ITS RESPONSIBILITIES UNDER ECOSOC RES 1503 (XLVIII). WHILE US DEL SHARED THIS DISAPPOINTMENT, DISCUSSION IN FACT REVEALED THAT PROCEDURE UNDER RES 1503 WAS DEFICIENT IN SEVERAL ASPECTS. IT IS UNFORTUNATE, HOWEVER, THAT OUT OF EIGHT COUNTRIES CITED, AT LEAST THREE, IRAN, UK AND BURUNDI, WERE PREPARED TO HAVE HRC CONSIDER THEIR CASES AT PRESENT SESSION BUT NO CONSIDERATION TOOK PLACE. OF REMAINING FIVE, ONLY PORTUGAL AND INDONESIA FLATLY REFUSED TO RECOGNIZE THAT HRC HAD ANY MANDATE TO CONSIDER ALLEGED VIOLATIONS IN THEIR TERRITORIES. ALTHOUGH SOV BLOC HAS CONSISTENTLY OPPOSED PROCEDURE FOR INVESTIGATING SITUATIONS UNDER THIS RES AND BLOC DELS DID WHAT THEY COULD TO SABOTAGE ENTIRE PROCEDURE, FAILURE OF HRC TO MAKE PROGRESS UNDER THIS ITEM WAS BY NO MEANS DUE ENTIRELY TO SOV BLOC SABOTAGE BUT TO DOUBTS AND MISGIVINGS ON PART OF MANY DELS AS TO ADEQUACY OF WORK DONE BY SUB-COMMISSION AND AS TO PROCEDURES. NORWEGIAN PROPOSAL WOULD ALLAY AT LEAST SOME OF THESE DOUBTS BY GIVING GOVERNMENTS CONCERNED OPPORTUNITY TO SUBMIT THEIR OBSERVATIONS ON CHARGES AGAINST THEM AND BY ESTABLISHING FIVE-MEMBER WORKING GROUP TO EXAMINE SUB-COMMISSION SUBMISSIONS PRIOR TO OPENING OF NEXT SESSION.

4. IN THIS CONTEXT, IRAN DEL HAS URGED US DEL TO PARTICIPATE IN WORKING GROUP SAYING IT WOULD BE HELPFUL TO IRAN, ONE OF EIGHT COUNTRIES CITED BY SUB-COMMISSION. US DEL FEARS THAT SUCH PARTICIPATION WOULD PUT US IN INVIDIOUS POSITION OF HAVING TO DEFEND OUR FRIENDS FROM BEING CITED OR OF BEING ACCUSED OF LETTING THEM DOWN.

"STUDY OF SITUATIONS WHICH REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII)

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NORWAY: PROPOSAL

THE COMMISSION ON HUMAN RIGHTS, HAVING CONSIDERED AT ITS (BLANK) CLOSED MEETINGS ITEM 12 (B) OF ITS AGENDA ON THE BASIS OF THE CONFIDENTIAL RESOLUTION ADOPTED BY THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES AT ITS 686TH (CLOSED) MEETING UNDER ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) AND HAVING

EXAMINED A NUMBER OF PROCEDURAL AS WELL AS SUBSTANTIVE
QUESTIONS RELATING TO THE APPLICATION OF THAT RESOLUTION,

1. DECIDES TO REFER THE RELEVANT DOCUMENTS TO THE GOVERN-
MENT CONCERNED AND REQUESTS THOSE GOVERNMENTS TO SEND THEIR
OBSERVATIONS TO THE COMMISSION THROUGH THE
SECRETARY-GENERAL NOT LATER THAN 1 DECEMBER 1974;

2. DECIDES TO ESTABLISH A WORKING GROUP COMPOSED OF FIVE MEMBERS
OF THE COMMISSION, DUE ACCOUNT BEING TAKEN OF CONSIDERATIONS
OF GEOGRAPHICAL DISTRIBUTION, WITH THE APPROVAL OF THE
COUNCIL, WHICH WOULD MEET ONE WEEK BEFORE THE NEXT SESSION
OF THE COMMISSION TO EXAMINE THE DOCUMENTS TRANSMITTED
BY THE CONFIDENTIAL RESOLUTION OF THE SUB-COMMISSION
SUBMITTED TO THE COMMISSION AT ITS THIRTIETH SESSION UNDER
ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII),
TOGETHER WITH THE OBSERVATIONS OF THE GOVERNMENTS
SUBMITTED UNDER PARAGRAPH 1 ABOVE AND ANY FURTHER REPORT
WHICH THE SUB-COMMISSION MAY SUBMIT UNDER THIS RESOLUTION;

3. DECIDES TO TRANSMIT TO THE SUB-COMMISSION THE SUMMARY
RECORDS OF THE DISCUSSION OF THIS SUBITEM IN THE COMMISSION;

4. "DECIDES TO REQUEST THE SUB-COMMISSION, AFTER THE LATTER
DECIDES TO REFER TO THE COMMISSION PARTICULAR SITUATIONS
WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS AND
RELIABLY ATTESTED VIOLATIONS OF HUMAN RIGHTS, TO INVITE
THE GOVERNMENTS DIRECTLY CONCERNED TO MAKE THEIR WRITTEN
OBSERVATIONS IN ORDER TO ENABLE THE COMMISSION TO TAKE
THEM INTO ACCOUNT IN THE EXAMINATION OF THE SITUATIONS."

5. DECIDES TO EXAMINE THIS QUESTION AS A MATTER OF PRIORITY
AT ITS NEXT SESSION."
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